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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,847	12/31/2001	Frank E. Fruth	TI-33130 (1.124US)	5311

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EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,847

Applicant(s)

FRUTH, FRANK E.

Examiner

Michael Burleson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 7-9, filed 2/03/2006, with respect to the rejection(s) of claim(s) 1-4 and 6 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ono et al. US 2002/0114017.
2. Applicant states that the prior art reference of Garakani et al. US 2002/0065168 fails to teach or suggest transitioning into facsimile processing mode. Examiner agrees with Applicant. Ono et al. teaches of processing facsimile signals (page 1, paragraph 0002), which suggests a facsimile processing mode. Applicant also states that the prior art reference of Garakani et al. fails to teach or suggest "and if the CM call function is the facsimile CM signal, preparing the originating modem to support a V.34 facsimile protocol" and "transitioning said originating gateway to the V.34 facsimile relay processing mode of operation when a facsimile relay indication is received from said answering modem". Examiner agrees with Applicant. Ono et al. teaches of using a V.34 conventional modem when using a V.8 signal (page 8, paragraph 0107) and transitioning to a V.34 communication when a fax signal is detected on the calling side (page 8, paragraph 0107), which would suggest that "if the CM call function is the facsimile CM signal, preparing the originating modem to support a V.34 facsimile protocol" and "transitioning said originating gateway to the V.34 facsimile relay

processing mode of operation when a facsimile relay indication is received from said answering modem". Claims 1-4 and 6 are rejected.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 6, Claim 6 recites executing the steps of a claim 11 that does not exist.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Ono et al. US 2002/0114017.

8. Regarding claim 1, Ono et al. discloses a method of discriminating voice, data and facsimile calls communicated through a voice-over-packet network (page 4, paragraph 0060 and page 7, paragraph 0075 and page 8, paragraphs 0097, 0098 and 0104). He also discloses identifying the existence of an answer signal (ANS) or a modified answer signal (ANSam) communicated between an answering modem and an originating modem over said packet (page 8, paragraphs 0098 and 0104).

9. Regarding claim 2, Ono et al. discloses of generating an ANS tone according to the protocols of said originating modem, using an originating-side gateway, when said existence of said ANS signal is identified by said answering-side gateway; generating an ANSam tone according to the protocols of said originating mode, using said originating-side gateway, when said existence of said ANSam signal is identified by said answering-side gateway (page 8, paragraph 0107).

10. Regarding claim 3, Ono et al. discloses enabling a V.8 call menu signal (CM) detector after said existence of either of said ANS or ANSam signals is identified by said originating gateway (page 4, paragraph 0060). Ono et al. discloses transitioning said originating gateway from a voice mode of operation to a G.711 pass-through mode of operation after said existence of either of said ANS or ANSam signals is identified by said originating gateway (page 6, paragraph 0069). Ono et al. discloses if the originating gateway detects a V.8 CM signal prior to expiration of the ANS or ANSam signals, then identifying, by the originating gateway, the CM call function as either a data modem CM signal from the originating modem or a facsimile CM signal from the originating modem (page 4, paragraph 0060 and 0061). Ono et al. discloses identifying, by the originating

gateway, the CM call function as either a data modem CM signal from the originating modem or a facsimile CM signal from the originating modem (page 4, paragraph 0061). Ono et al. discloses if the CM call function is the data modem CM signal, transitioning the originating gateway into an LLMR processing state if the CM call function is the data modem CM signal; and if the CM call function is the facsimile CM signal, preparing the originating modem to support a V.34 facsimile protocol and transitioning the originating gateway to support the V.34 facsimile protocol in one of the G.711 pass-through mode and a V.34 facsimile relay mode (page 4, paragraph 0061, 0062 and page 6, paragraph 0068 and 0069 and page 8, paragraph 0107).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. US 2002/0114017 in view of Garakani et al. US 2002/0064168.

1. Regarding claim 4, Ono et al. discloses the steps of if the originating gateway detects a V.8 CM signal subsequent to expiration of the ANS or ANSam signals (page 4, paragraph 0060). Ono et al. discloses transitioning said originating gateway to the V.34 facsimile relay processing mode of operation when a facsimile relay indication is

received from said answering modem over said packet network (page 8, paragraph 0107).

2. Ono et al. fails to teach of identifying, by the originating gateway, the termination of the communication of said ANS or said ANSam signal; terminating said generation of said ANS or ANSam tone when said termination of the communication of said ANS or said ANSam signal is identified; and disabling said CM detector when said termination of the communication of said ANS or said ANSam signal is identified

3. Garakani et al. discloses identifying, by the originating gateway, the termination of the communication of said ANS or said ANSam signal; terminating said generation of said ANS or ANSam tone when said termination of the communication of said ANS or said ANSam signal is identified; and disabling said CM detector when said termination of the communication of said ANS or said ANSam signal is identified (page 4, paragraph 0063, page 5, paragraph 0068 and 0070).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ono et al. wherein Ono et al. method is applied to detecting a V.8 CM signal subsequent to expiration of the ANS or ANSam signals and transitioning the original gateway to the V.34 facsimile relay processing mode of operation. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Ono et al. by the teaching of Garakani et al. in order to transition to a facsimile relay processing mode of operation.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. US 2002/0114017 in view of Olafsson et al. US 6768791.

4. Ono et al. discloses discriminating voice, data, and facsimile calls communicated through a voice-over-packet network, comprising the steps of: identifying any one of an answer signal (ANS), a modified answer signal (ANSam), a V.8bis Cre/Mre tone or V.21 flags communicated between an answering modem and an originating modem, using an answering-side gateway that is capable of identifying each of said ANS signal, said ANSam signal, said V.8bis Cre/Mre tone, and said V.21 flags with said answering-side gateway, converting said identified ANS signal, ANSam signal, V.8bis Cre/Mre tone or V.21 flags to a format that may be conveyed over said packet network to said originating modem via an originating-side gateway (page 8, paragraphs 0098 - 0104).

5. Ono et al. fails to disclose suppressing a voice path to said packet network, using said answering gateway, when said V.8bis Cre/Mre tone is identified; determining when said V.8bis Cre/Mre tone communication between said answering modem and said originating modem terminates; re-establishing said voice path when said V.8bis Cre/Mre tone terminates; suppressing said voice path to said packet network, using said answering gateway, when said ANS signal or said ANSam signal is detected; transitioning said answering gateway to a G.711 pass-through mode of operation when said ANS signal or said ANSam signal is detected; transitioning said answering gateway to an LLMR processing mode of operation when said LLMR indication is received from the originating-side gateway; transitioning said answering gateway to a V.34 facsimile

processing mode of operation when said V.34 facsimile relay indication is received from the originating-side gateway; re-establishing said voice path to said packet network, using said answering gateway, when a termination of the communication of either of said ANS or ANSam signals occurs and after executing the steps of claim 11, transitioning said answering gateway to a facsimile relay processing mode of operation when said V.21 flags are identified.

6. Olafsson et al. discloses suppressing a voice path to said packet network, using said answering gateway, when said V.8bis Cre/Mre tone is identified; determining when said V.8bis Cre/Mre tone communication between said answering modem and said originating modem terminates; re-establishing said voice path when said V.8bis Cre/Mre tone terminates; suppressing said voice path to said packet network, using said answering gateway, when said ANS signal or said ANSam signal is detected; transitioning said answering gateway to a G.711 pass-through mode of operation when said ANS signal or said ANSam signal is detected; transitioning said answering gateway to an LLMR processing mode of operation when said LLMR indication is received from the originating-side gateway; transitioning said answering gateway to a V.34 facsimile processing mode of operation when said V.34 facsimile relay indication is received from the originating-side gateway; re-establishing said voice path to said packet network, using said answering gateway, when a termination of the communication of either of said ANS or ANSam signals occurs and after executing the steps of claim 11, transitioning said answering gateway to a facsimile relay processing mode of operation when said V.21 flags are identified (column 11, lines 48-67 and column 14, lines 20-40).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ono et al. wherein Ono et al. method is applied to identifying each of said ANS signal, said ANSam signal, said V.8bis Cre/Mre tone, and said V.21 flags. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Ono et al. by the teaching of Garakani et al. in order to properly process a signal according to the type of signal that is detected.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Burleson whose telephone number is 571-272-7460. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437.

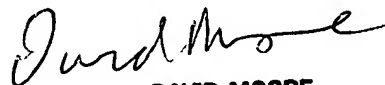
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Burleson

Patent Examiner

MB

April 16, 2006


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